

REMARKS

This is in full and timely response to the Restriction Requirement made in the Office Action mailed on December 20, 2006. Reexamination in light of the following remarks is respectfully requested.

Claims 23-29 are present in the above-identified application, with claim 23 being independent. *No new matter has been added.*

Rejoinder

The Restriction Requirement of September 1, 2006 asserts an existence of the following patentably distinct inventions:

- The Species of Figure(s) 4-5 versus that of Figure 6 versus Figures 7-9c v Figures 10 v 11 v 12a-13d v 14 v 15 v 16 v 17 v 18-19 v 20 v 21 v 22 v 23 v 24 v 25 v 28 v 29 v 30 v 31 v 32 v 33 v 38.

Page 2 of the Office Action of December 12, 2006 indicates that the restriction requirement mailed on September 1, 2006 has been made FINAL.

In response, U.S. Patent and Trademark Office (USPTO) practice and procedures dictate that this linking claim must be examined with, and thus are considered part of, the invention elected. Specifically, M.P.E.P. §809 provides that when all claims directed to the elected invention are allowable, should any linking claim be allowable, the restriction requirement between the linked inventions must be withdrawn.

Accordingly, rejoinder of the Species of Figure(s) 4-5 versus that of Figure 6 versus Figures 7-9c v Figures 10 v 11 v 12a-13d v 14 v 15 v 16 v 17 v 18-19 v 20 v 21 v 22 v 23 v 24 v 25 v 28 v 29 v 30 v 31 v 32 v 33 v 38 is respectfully requested.

Rejection under 35 U.S.C. §112, second paragraph

Page 2 of the Office Action indicates that claims 23-29 are rejected under 35 U.S.C. 112, second paragraph.

This rejection is traversed at least for the following reasons.

“A patentee can be his own lexicographer provided the patentee's definition, to the extent it differs from the conventional definition, is clearly set forth in the specification.” *Beachcombers v. Wildewood Creative Prods., Inc.*, 31 USPQ2d 1653, 1656 (Fed. Cir. 1994). “For claim construction purposes, the description may act as a sort of dictionary, which explains the invention and may define terms used in the claims.” *General Electric Co. v. Nintendo Co.*, 50 USPQ2d 1910, 1914 (Fed. Cir. 1999).

The following description is provided for illustrative purposes and is not intended to limit the scope of the invention.

Claims 23-29 - Claims 24-29 are dependent upon claim 23. Claim 23 is drawn to a bearing unit comprising:

a shaft;

a radial bearing for peripherally supporting the shaft;

a thrust bearing for supporting an end of the shaft in the thrusting direction thereof;

a space-forming member arranged outside the radial bearing and the thrust bearing;

a housing having the space-forming member in the inside and hermetically sealed except a shaft receiving hole through which the shaft is made to extend;

viscous fluid filled in the housing; and

a communication passage way arranged between the space-forming member and the radial bearing so as to make the end in the thrusting direction of the shaft projecting from the radial bearing and the other end of the shaft communicate with each other.

The Office Action contends that the term “space-forming shoulder” is confusing (Office Action at page 2).

In response, the term “space-forming shoulder” is not found within any of the claims.

Moreover, claim 23 provides, in part, the features of *a space-forming member arranged outside the radial bearing and the thrust bearing*. In this regard, the specification as originally filed, in the paragraph beginning at page 50, line 18, provides that:

As shown in FIGS. 17, 18 and 19, the bearing unit 330 that rotatably supports the rotary shaft 331 of the above described motor 301 comprises a radial bearing 333 for peripherally supporting the rotary shaft 331, a space-forming member 334 formed outside the radial bearing 333, a housing 337 containing the space-forming member 334 and a communication passage way 350 formed between the space-forming member 334 and the radial bearing 333.

The Office Action questions how can the house be “hermetically sealed” when there is a shaft receiving hole (Office Action at page 2).

In response, claim 23 provides, in part, the features of *a housing (337) having the space-forming member (334) in the inside and hermetically sealed except a shaft receiving hole (336a) through which the shaft (331) is made to extend*. In this regard, the specification as originally filed, in the paragraph beginning at page 59, line 9, provides that:

Meanwhile, the bearing unit 330 of this embodiment is a so-called shaft opposite ends open type bearing unit in which the opposite ends of the shaft 331, one of which is projecting from the radial bearing 333, communicate with each other by way of the

communication passage way 350. Conventional shaft opposite ends open type bearing units are accompanied by the problem that lubricating oil can easily disperse when subjected to impact. However, in the bearing unit 330 of this embodiment, the housing 337 is made to be a seamless structure that is hermetically sealed except the shaft receiving through hole 336a and contains the radial bearing 333 and the space-forming member 334 in the inside so that, while the open side end of the shaft that projects from the radial bearing and the closed side end of the shaft are made to communicate with each other by way of the communication passage way 350, the bearing unit 330 is hermetically sealed and isolated from the outside except the shaft receiving hole 336a arranged at the housing 337. Differently stated, since the communication passage way 350 is arranged in the housing that is a seamless structure and hermetically sealed against the outside, lubricating oil is prevented from dispersing if it is subjected to impact.

The Office Action inquires as to the location of the “communication passage way” (Office Action at page 2).

In response, the specification as originally filed, in the paragraph beginning at page 50, line 18, provides that:

As shown in FIGS. 17, 18 and 19, the bearing unit 330 that rotatably supports the rotary shaft 331 of the above described motor 301 comprises a radial bearing 333 for peripherally supporting the rotary shaft 331, a space-forming member 334 formed outside the radial bearing 333, a housing 337 containing the space-forming member 334 and a communication passage way 350 formed between the space-forming member 334 and the radial bearing 333.

Thus, it is believed that the metes and bounds of what is being claimed within the claims can be readily ascertained.

Withdrawal of the rejections and allowance of the claims is respectfully requested.

Conclusion

For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance. Accordingly, favorable reexamination and reconsideration of the application in light of the amendments and remarks is courteously solicited.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753, or the undersigned attorney.

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Dated:

Respectfully submitted,

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